

### **REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 21 March 2007. Responsive to the Official Action, Claims 8-16, and 18-20 have been amended for further prosecution. Claims 21-24 have been newly-inserted for prosecution and Claims 1-7 and 17 have been canceled. Upon entry of this Amendment, Claims 8-16 and 18-24 will be pending in the subject Patent Application. It is believed that with such amendment and insertion of Claims, there is further clarification of their recitations.

In the Office Action, the Examiner objected to Claim 8 as containing a typographical error. Accordingly, this has been corrected. The Examiner then rejected Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Johnson, et al., U.S. Patent 6,351,547 (hereinafter Johnson).

Newly-amended independent Claims 8, 15, and newly-inserted Claim 21 of the subject Patent Application now more clearly recite a method and device for interfacing with and converting data generated by a non-DICOM compatible medical apparatus into DICOM format. Remote devices on the network can then access the older, non DICOM compatible, medical apparatuses through the digital conversion device and control the medical apparatuses to capture internal cross-sectional images of the human body.

As disclosed in the specification, as originally filed, the primary object of the present invention is to provide a method for remotely controlling a medical

apparatus. Further, the specification describes in fully enabling detail a remote control program being executed on a remote device for generating DICOM control commands which are sent to the medical apparatus via the server and the digital conversion device to remotely control the medical apparatus.

It is disclosed in the specification at lines 10-12 on page 7 that "the digital conversion device 20 is [used] to convert the medical image signals into digital image data...." Therefore, a skilled person in the art would inherently know that the medical image signals of the older, non-DICOM compatible medical apparatuses must be analog image signals.

Further, as disclosed in the specification as originally filed, at Claim 9, the medical apparatus is "an angiography, an ultrasound unit, an interior camera, or a CAT scanner." Therefore, a skilled person in the art would inherently know that these medical apparatuses, such as the ultrasound unit, will scan and produce cross-sectional images of the human body.

Thus, the claims have been amended to more clearly recite the invention of the subject Patent Application without adding any new matter.

In contradistinction to the invention of the subject Patent Application as more clearly recited in the newly amended Claims, the Johnson reference is directed to a method and apparatus for formatting digital images to conform to communication standards. The method and apparatus for formatting digital images to conform to communication standards of the Johnson reference already

presumes use **with newer medical apparatuses that already conform to the DICOM standard**. As can clearly be seen from the Abstract of the Johnson reference, "each DICOM object is constructed from image frame data and attribute data," whereas the subject Patent Application deals with the older apparatuses which take conventional image data and transmit it to the converter. As the newly amended and inserted Claims recite, it is the converter outside the medical apparatus itself, that creates a DICOM image and then forwards that on to the remote device.

It is most clearly stated in the Johnson reference on column 2 line 15 that "the acquisition module" is already "programmed to transfer data in a format which complies with the DICOM standards." Johnson states that "the ultrasound imager, or other medical apparatus [itself] must place the data to be transferred in a format which can be handled by the destination remote device." Further highlighting this distinction Johnson states that "the DICOM-formatted image file can be deleted from the imager memory." Therefore, the imager, or medical apparatus itself processes a DICOM-formatted image file and must therefore be DICOM-compatible. This is the very capability lacking in the "DICOM incompatible" medical apparatus served by the claimed "converter."

Thus, it is respectfully submitted that the Johnson reference does not suggest, allude, or provide: a medical apparatus incompatible with DICOM operable to take images of the inside of the human body for generating non-

DICOM medical image signals, as is necessary to newly-amended independent Claims 8, 15, and newly inserted Claim 21.

Further, if in the Johnson reference the medical apparatus itself is DICOM compatible then there is absolutely no need for a digital conversion device to convert the image output of the medical apparatus into the DICOM specified format and therefore it is not believed that the Johnson reference provides for a digital conversion device to DICOM format.

Thus, the Johnson reference does not suggest, allude, or provide, and in fact teaches away from the provision of: a digital conversion device and connecting the digital conversion device to said medical apparatus in order to convert said medical image signals into digital image data to comply with the DICOM format, as is necessary to newly-amended independent Claims 8, 15, and newly inserted Claim 21.

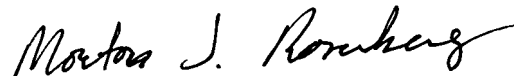
As Johnson does not disclose each and every element of the subject Patent Application, it is not able to anticipate it. In fact, as Johnson expressly teaches away therefrom, it is not believed to be able to render the subject Patent Application as obvious either.

Dependent Claims 9-14, 16, 18-20, and 22-24 are believed to show further patentable distinctions, but are believed allowable for at least the reasons presented supra.

For all of the foregoing reasons, it is respectfully submitted that the Application is now in condition for allowance, and such action is respectfully requested.

No further fees are believed to be due with the Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,  
FOR: ROSENBERG, KLEIN & LEE



Morton J. Rosenberg  
Registration No. 26,049

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Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
(410) 465-6678  
Customer No. 04586